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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,004	12/13/2001	Willibald G. Berlinger	00-109/CAT0073.US	2397

7590  
09/02/2004  
Todd T. Taylor  
Taylor & Aust, P.C.  
142 S. Main Street  
P.O. Box 560  
Avilla, IN 46710

EXAMINER

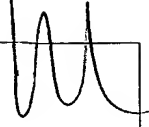
LOPEZ, FRANK D

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/022,004	Applicant(s) BERLINGER ET AL. 	
	Examiner F. Daniel Lopez	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 7, 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Applicant's arguments filed June 7, 2004, have been fully considered but they are not deemed to be persuasive.

Applicant argues that the system of Roche is used to accommodate various flow rates, and therefore does not disclose a hydraulic transformer which is adjustable to provide controlled pressure amplification. Applicant is mistaken. It is understood that pressure amplification means that the transformer changes the pressure between the input line and the output line. The transformer of Roche clearly does this, since "the displacers driven as pumps can be used to increase pressure in the second pressure line...with respect to the system pressure in the first pressure line" (e.g. column 7 line 1-4).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 1-8 are rejected under 35 U.S.C. § 103 as being unpatentable over in Ogawa et al view of Roche. Ogawa et al discloses work machine comprising a frame (see e.g. fig 10) and a hydraulic system; with the hydraulic system comprising a valve (15) operatively coupling an adjustable hydraulic motor (19) to selectively receive flow from a pressure source (11); but does not disclose that there is an adjustable hydraulic transformer having an inlet coupled to a pressure source, and an outlet; and a normally open bypass valve operatively coupling a hydraulic motor to selectively receive flow from the pressure source or the transformer outlet, depending on operating characteristics of the motor.

Roche teaches, that a hydraulic system comprising a hydraulic motor coupled to a pressure source by a valve (e.g. column 1 line 27-37); can be replaced by a normally open bypass valve (274) operatively coupling the hydraulic motor (connected to line 276) to selectively receive flow from the pressure source (260) or an outlet of an

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adjustable hydraulic transformer (286), depending on operating characteristics of the motor, wherein the transformer has an inlet connected to the pressure source (via 272), for the purpose of decreasing fluid energy losses. Normally, the pump pressure will be higher than motor pressure and therefore the check valve (274) will be normally open.

Since Ogawa et al and Roche are both from the same field of endeavor, the purpose disclosed by Roche would have been recognized in the pertinent art of Ogawa et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the valve of Roche with a bypass valve operatively coupling the hydraulic motor to selectively receive flow from the pressure source or an outlet of an adjustable hydraulic transformer, depending on operating characteristics of the motor, wherein the transformer has an inlet connected to the pressure source, as taught by Ogawa et al, for the purpose of decreasing fluid energy losses.

Claims 9-13 are rejected under 35 U.S.C. § 103 as being unpatentable over in Ogawa et al view of Maruta et al and Roche. Ogawa et al discloses work machine comprising a frame (see e.g. fig 10) and a hydraulic system; with the hydraulic system comprising a valve (15) operatively coupling an adjustable hydraulic motor (19) to selectively receive flow from a pressure source (11); but does not disclose a second adjustable hydraulic motor having an output shaft, being coupled to the pressure source and having a higher efficiency operating range when operating at a higher speed and lower torque, as compared to the first motor; or that there is an adjustable hydraulic transformer having an inlet coupled to a pressure source, and an outlet; and a bypass valve operatively coupling a hydraulic motor to selectively receive flow from the pressure source or the transformer outlet, depending on operating characteristics of the motor.

Maruta et al teaches, for a work machine comprising a hydraulic system; with the hydraulic system comprising a valve (3) operatively coupling a hydraulic motor (4) to selectively receive flow from a pressure source (2); that a second valve (22) couples a second adjustable hydraulic motor (7'), having an output shaft, to the pressure source, driven by an engine, for the purpose of providing cooling for the engine.

Since Ogawa et al and Maruta et al are both from the same field of endeavor, the purpose disclosed by Maruta et al would have been recognized in the pertinent art of Ogawa et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to add a second valve, to couple a second adjustable hydraulic motor, having an output shaft, to the pressure source of the modified Ogawa et al, driven by an engine, as taught by Maruta et al, for the purpose of providing cooling for the engine.

Roche teaches, that a hydraulic system comprising a hydraulic motor coupled to a pressure source by a valve (e.g. column 1 line 27-37); can be replaced by a normally open bypass valve (274) operatively coupling the hydraulic motor (connected to line 276) to selectively receive flow from the pressure source (260) or an outlet of an adjustable hydraulic transformer (286), depending on operating characteristics of the motor, wherein the transformer has an inlet connected to the pressure source (via 272), for the purpose of decreasing fluid energy losses. Normally, the pump pressure will be higher than motor pressure and therefore the check valve (274) will be normally open.

Since Ogawa et al and Roche are both from the same field of endeavor, the purpose disclosed by Roche would have been recognized in the pertinent art of Ogawa et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the "first" valve of Roche with a bypass valve operatively coupling the "first" hydraulic motor to selectively receive flow from the pressure source or an outlet of an adjustable hydraulic transformer, depending on operating characteristics of the motor, wherein the transformer has an inlet connected to the pressure source, as taught by Ogawa et al, for the purpose of decreasing fluid energy losses.

Since the first motor drives the work machine and the second motor drives a fan, the first motor would be more sturdier and more massive, to absorb all of the resulting torque; and there would be more friction related to the first motor. Therefore, the second motor would have a higher efficiency operating range when operating at a higher speed and lower torque, as compared to the first motor.

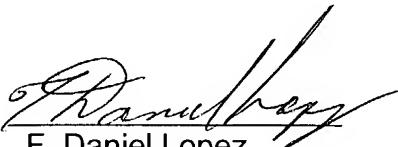
***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
September 1, 2004